IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.1862 OF 2006

Shri.Vijay Santram Kadam
and Anr. ...Petitioners.
Versus
The State of Maharashtra
and 3 Ors. ...Respondents.

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Mr.Madhav Jamdar,Advocate for the Petitioners.
Mr.A.A.Kumbhakoni, Asso.Advocate General with Mr.M.D.Naik, A.G.P., for the Respondents.

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CORAM : **F.I.REBELLO AND SMT.V.K.TAHILRAMANI,JJ.**

DATED : **AUGUST 11, 2006.**

P.C.:

1. The grievance of the petitioners herein is similar to what is in issue in Writ Petition (L) No.1629 of 2006 which was disposed of by us by order dated 26th July, 2006. That was in the matter of un-aided private engineering colleges. In the instant case, it is unaided private pharmacy college. In that petition our attention was invited to the fact that private colleges who had joined the CET & CAP conducted by the State Government after the first round were allowed to fill in the seats to their institutes. Considering the judgment of the Apex Court in Islamic Academy and P.A.Inamdar and the stand of the State Government which contends that

admissions be based only on merit, we have directed the State Government that seats in private engineering colleges who had joined the CET and CAP conducted by the State Government, to fill in seats remained vacant after the first round by additional rounds and not to permit the management to fill in the seats at the college level after the first round.

2. We see no reason considering the law declared by the Apex Court as to why the same directions should not be issued also in the present Petition. In the light of that the present Petition is disposed of by issuing the following directions.

. We direct the Government of Maharashtra, in respect of private unaided institutions who are filling-in the seats based on the Government CET and CAP, after the first round to fill in the vacant seats by additional rounds. The State of Maharashtra to issue further similar directions as in respect of Engineering Colleges. Rule made absolute accordingly. No order as to costs.

[F.I.REBELLO,J.]

[SMT.V.K.TAHILRAMANI,J.]